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May 19, 2020

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States v. Richard Gaffey
18 Cr. 693 (RMB)**

Dear Judge Berman:

I represent Richard Gaffey in the above-referenced matter and respectfully submit this letter seeking a one-month adjournment of Mr. Gaffey's sentencing. The government consents to this request. As Your Honor knows, Mr. Gaffey pled guilty before the Court on February 24, 2020, when the Court set the following schedule for sentencing:

Mr. Gaffey's sentencing submission is due on June 8, 2020
The government's sentencing submission is due on June 15, 2020
Sentencing is scheduled for June 29, 2020

Mr. Gaffey respectfully requests an adjournment of his sentencing of at least one month due to the ongoing national emergency resulting from the COVID-19 virus and the risks he would face traveling to New York City on the scheduled sentencing date. Governor Cuomo recently announced a plan for a phased reopening of New York State by region based on seven specific criteria. Based on the criteria set forth in the Governor's plan and recent comments by Mayor de Blasio, it is highly unlikely that the New York City region will reopen for court appearances and related professional services activities before the end of June. As such, Mr. Gaffey would be unable to travel safely to New York City in June without placing himself at great risk for severe illness from COVID-19 given his age, 76, and extensive medical history. As we will describe to the Court in greater detail prior to sentencing, Mr. Gaffey is a cancer survivor who currently suffers from, among other things, hypertension, stage three chronic renal failure, type two diabetes, a high risk of coronary artery disease, and obesity, all of which – along with his advanced age – are known risk factors for severe cases of COVID-19. An adjournment of at

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least one month should provide Mr. Gaffey with the ability to travel safely to New York for his sentencing.

Further, we believe that it would be appropriate for Mr. Gaffey's sentence to occur after the sentencing of co-defendant Johan von der Goltz. The Court originally scheduled Mr. von der Goltz to be sentenced on June 24, 2020, five days before Mr. Gaffey's sentencing proceeding on June 29. The Court recently adjourned Mr. von der Goltz's sentence for approximately one month, to July 23, 2020. In light of the leading role played by Mr. von der Goltz in the charged offenses, the continued possibility that the Court will need to resolve disputed issues of fact in connection with Mr. von der Goltz's sentencing, and the original order of sentencing, we submit that it would be appropriate for the Court to adjourn Mr. Gaffey's sentence to some date following Mr. von der Goltz's sentencing on July 23.

The parties respectfully request that the Court reset the dates related to his sentencing, as follows:

The defense sentencing submission is due July 6, 2020
The government's sentencing submission is due July 13, 2020
Sentencing is scheduled for July 27, 2020

Respectfully submitted,



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